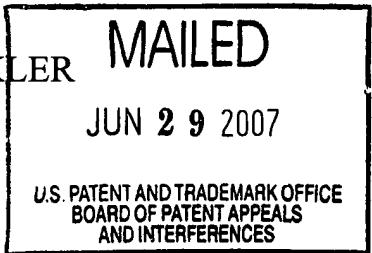


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARALD VATER and HERMANN DREXLER

Application 09/763,621



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on June 25, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Reply Brief

On January 16, 2007, Appellants filed a Reply Brief. On March 27, 2007, the Examiner mailed a communication acknowledging receipt of Appellant's Reply Brief. A review of this communication reveals that the Examiner did not provide proper acknowledgment. The comments made by the Examiner constitute a supplemental examiner's answer. In accordance with MPEP 1207.05, all supplemental examiner's answers must be approved by a Technology Center (TC) Director or designee. The

communication mailed March 27, 2007, was not signed by the Technology Center Director or designee.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to resolve the following issues:

- (1) vacate the communication mailed on March 27, 2007,
- (2) issue a revised communication properly acknowledging and responding to Appellants' Reply Brief filed January 16, 2007, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:clj

Bacon & Thomas, PLLC
625 Slaters Lane
Fourth Floor
Alexandria, VA 22314